

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON NATURAL RESOURCES AND COMMERCE

Call to Order: By **CHAIRMAN DICK HAINES**, on February 7, 2001 at 8:30 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Rep. Dick Haines, Chairman (R)
Sen. William Crismore, Vice Chairman (R)
Rep. Christine Kaufmann (D)
Sen. Linda Nelson (D)
Sen. Bill Tash (R)
Rep. Joe Tropila (D)

Members Excused: None.

Members Absent: None.

Staff Present: Becky Beckert-Graham, OBPP
Gary Hamel, Legislative Branch
Amber Sauer, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: Department of Fish, Wildlife,
and Parks, various divisions

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON THE DEPARTMENT OF FISH, WILDLIFE AND PARKS

Revisiting Decision Packages

Mr. Jeff Hagener, Director, Department of Fish, Wildlife and Parks, distributed information for the committee on discussion points and a table of action taken by the committee to date.

EXHIBIT(jnh31a01) and **EXHIBIT(jnh31a02)**

He cited the reductions from the Racicot budget, reductions from the Martz budget and the reductions taken to date by the committee. He stated through the process to date the Department has cut \$1.3 million out of the budget exclusive of those reductions made for the alternative pay plan. Virtually all that money is state special or federal special which does not address the general fund issue. **Mr. Gary Hamel, LFD**, stated he had not been able to reconcile the report with his figures.

In reference to exhibit 1, **Mr. Hagener** began with DP-208 Crossing the Barriers. The Department felt it could be reduced by \$2,500 in both fiscal 02 and 03.

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Motion/Vote: SEN. TASH moved that DP-208 CROSSING THE BARRIERS BE ACCEPTED AS PROPOSED BY THE DEPARTMENT AND REDUCED BY \$2,500 EACH YEAR OF THE BIENNIUM BE ADOPTED. Motion carried unanimously.

Mr. Hagener continued with DP-215 Block Management Funding which was asking for an addition of three FTE to manage hunting access and patrol block management areas in the field. Upon further examination, he stated the two FTE's under DP-201 to deal with increases in net client hunting applications are not being used as expected and could be switched to the block management program. There were three bills that may pass--HB 292, HB 306, and SB 285--which will expand the block management program and give them additional funds and program direction; therefore, **Mr. Hagener** suggested the switch in FTE's. Originally, it was determined if the three bills passed they would need six new FTE's but it has been pared down. **REP. TROPILA** asked the total amount of funding involved in the three bills. **Mr. Hagener** stated HB 292 and HB 306 have had money taken out of them but SB 285 would be \$1,000,000. There was further discussion about the bills and the money involved. **Mr. Hagener** clarified the FTE's needed, where they were needed, the funding involved, and how they could be used in the Block Management Program.

Mr. Dave Mott, Administrator, Administration and Finance Division, Fish, Wildlife, and Parks Department stated the Department was seeking concurrence with the redirection of the FTE's.

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Motion/Vote: SEN. NELSON moved that **THE COMMITTEE ACCEPT THE RECOMMENDATIONS OF FWP AS ON EXHIBIT 1 TO SWITCH 2 FTE'S FROM DP-201 TO DP-215 BLOCK MANAGEMENT PROGRAM BE ADOPTED. Motion carried unanimously.**

Mr. Hagener presented a point of clarification on DP-804 Shooting Range Grants Enhancement in the Conservation Education Division. At one time, HB 258 was asking for \$60,000 for the shooting ranges; however, those funds were amended out. Therefore, the \$60,000 approved in DP-804 by the committee would be in order. **CHAIRMAN HAINES** explained the issue further and why the actions were taken. There was discussion as to whether or not the committee needed to take any action on the language that was adopted to prevent duplication of the \$60,000 funding or on the original motion. It was decided no additional action was necessary for the committee and the previous action taken would stand.

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Mr. Hagener stated DP-904 Hunting and Fishing License Research which was a request to conduct a survey regarding increasing license fees by the year 2003. After discussion with the Governor's office and leadership, FWP is proceeding with legislation to increase non-resident fees this session. However, the non-resident fee increase will not completely address the long-term general license fund balance issue. Therefore, a resident fee increase will be necessary in the near future. FWP has asked for DP-904 to be approved for the reduced amount of \$15,000 in fiscal 02 and \$10,000 in fiscal 03 rather than the \$30,000/\$15,000 requested previously. This would allow FWP to do outreach and evaluate existing programs for continuance. This is all state special revenue.

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Motion/Vote: SEN. CRISMORE moved that **DP-904 HUNTING AND FISHING LICENSE RESEARCH FOR \$15,000 FY02 AND \$10,000 FY03 ONE-TIME-ONLY AND RESTRICTED BE ADOPTED. Motion carried unanimously.**

Mr. Dave Mott, Administrator, Administration and Finance Division, Fish, Wildlife, and Parks Department addressed the Warehouse Rate Adjustment.

EXHIBIT (jnh31a03)

Mr. Mott stated following a legislative audit, it had been recommended the warehouse rate be increased. It is currently

used for uniforms, office supplies, fishing supplies, etc. The auditors have recommended a shift of .2 FTE to account for the costs. This will result in a rate increase from 7% to 14%. The dollar value of the increase would be about \$5500 but would be an internal shift passed on to the agencies using the warehouse.

Mr. Gary Hamel, LFD, asked if there would be a decrease of .2 FTE in another area. **Mr. Mott** stated there would not due to the fact that the fee increase would cover the FTE cost. Agencies would see an increase in the fees to offset this cost.

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Motion/Vote: SEN. TASH moved that **WAREHOUSE RATE ADJUSTMENT FROM 7% TO 14% AND SHIFT .20 FTE OF PERSONNEL SERVICES BE ADOPTED.**

Motion carried unanimously.

Mr. Hagener stated there is not a large amount of general fund in FWP.

EXHIBIT(jnh31a04)

The major portion of general fund is in the Enforcement Division, Parks Division, and a small amount in Conservation Education.

Mr. Hagener felt the maximum amount they could reduce those general funds would be 5%. If the committee felt more than 5% was necessary, he would ask that they be able to replace that additional amount with general license dollars. It was determined the general fund amount saved at 5% would be about \$21,500 each year of the biennium. There was discussion about using the general license dollars. **Mr. Hagener** felt that amount would hurt the program.

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Motion/Vote: REP. TROPILA moved that **NOT TO REDUCE THE FWP GENERAL FUND BY 5% BE ADOPTED.** Motion carried 5-1 with Nelson voting no.

SEN. NELSON stated she felt since other agencies were being asked to give up much more than that, FWP could give up 5%. There was further discussion about the pros and cons of reducing the FWP budget.

Mr. Hagener stated the only remaining issue for FWP is Chief Plenty Coups Park.

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Mr. Hamel distributed a summary of action taken by the committee.

EXHIBIT (jnh31a05)

CHAIRMAN HAINES spoke about the remaining schedule and the Plenty Coups Park issue raised by **REP. RANEY** earlier. There was discussion about the issue and how to proceed. **Mr. Hagener** stated some of the concerns were in the process of being addressed, specifically the need to add an exit to the basement floor of the museum. The committee discussed the issue further in regard to spending the \$500,000 amount appropriated in the 1999 session by passage of a bill.

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Mr. Hamel explained the information per exhibit 5. The only difference between his figures and FWP per exhibit 2 was that **Mr. Hamel** included reductions in general liability insurance premiums and data network connection reductions. The document was for the committee's information only and had been supplied to legislative leadership.

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CHAIRMAN HAINES recessed the committee for 30 minutes.

CHAIRMAN HAINES reconvened the meeting. A delegation was present for public testimony in regard to Chief Plenty Coups Park.

CHAIRMAN HAINES specified **REP. RANEY** was not able to be present but the public testimony could go forward with further discussion with **REP. RANEY** at a later date.

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Public Testimony on Chief Plenty Coups Park

Mr. Wayne Hurst, Libby, Founder and President, Montana State Parks Foundation, testified he has worked with parks for the last twelve years. He stated in the last legislative session, a bill was passed and signed by the Governor that gave priority to protecting the artifacts and historical items in the care of the State at Chief Plenty Coups. He received the Chief Plenty Coups management plan recently with a list of items to be taken care of as soon as funding becomes available. However, since \$500,000 was made available by law in 1999, the funding should be there. Having been an accountant and followed budgets for the last

twelve years, he stated mixing of funds was an excuse not to complete the work.

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Mr. C. Adrian Heidenreich, Billings, Chairman, Chief Plenty Coups Advisory Committee, gave a brief overview of the importance of Chief Plenty Coups Park. He stated it is more than just historical buildings. In 1928, Chief Plenty Coups was recognized as one of the hundred most influential Montanans, an international leader, and part of the presentation of the Tomb of the Unknown Soldier. He left the land, house and sacred objects as a recreation ground to the American public for whites and Indians to work together and live harmoniously. The house is on the National Register of Historic Places and was recently added by the National Park Service to the National Historic Landmark Status list. The Park is located on the Crow Reservation and is a community park, community center, and recreation ground with many events taking place there such as birthdays and Chief Plenty Coups Honor Day. **Mr. Heidenreich** stated it is a community center and a museum filled with collections viewed by the Crow Tribe as sacred objects. The Park has a national and international reputation. He stressed the importance of FWP finishing the work with the money appropriated and felt they have been dragging their feet.

Ms. Elis Goes Ahead is a tourism employee and acts as a liaison between FWP and the Crow Tribe. He represented the Pryor Cultural Committee which is a group of elders from Pryor. He stated good working relationships were in place until the \$500,000 appropriation was made at which time it seemed the relationship deteriorated. This group at one time worked with the FWP in consultations very closely and in advisory issues. There is now a division. He would like to promote tourism with the Lewis & Clark Bicentennial coming and it is necessary to do the work on the museum with the funds appropriated.

{Tape : 2; Side : A; Approx. Time Counter : 115}

Mr. Bill Eggers, Representative HD 6, Big Horn County, addressed the letter written to **CHAIRMAN HAINES** dated February 1, 2001, from **Mr. Hagener**.

EXHIBIT (jnh31a06)

Mr. Eggers stated he felt the statement of "good faith effort" in making renovations and repairs is misleading. He felt the funds are no longer available as **Mr. Hagener's** predecessor spent it

elsewhere. He felt the letter from **Mr. Hagener** was a coverup of the mistakes made by Pat Graham as he did not account for the remainder of the \$500,000 appropriation (stating \$71,700 of the 1999 appropriation had been spent). He stated FWP has not spent the money as directed by legislative mandate. **Mr. Eggers** added there is no need for further studies; the study has been made and now it is time to get the work done. He suggested the management and administration of the museum does not belong in the Parks Division and should be transferred to the appropriate authority. **Mr. Eggers** is also recommending an internal audit to account for the remaining funds. He stated Pictograph Cave is also included in the HB appropriation of \$500,000 and is deteriorating and needs attention. It will be lost if not taken care of soon.

Mr. Tim Bernardis, Library Director, Little Big Horn College, Crow Agency, testified he has served on the Friends of Chief Plenty Coups Advisory Council for the last five years. He is also the coordinator for the NAGPRA grant project which are funds from the National Park Service to examine how the sensitive items at the park should be handled. They are currently consulting with Crow elders and museum professionals on how best to handle the sacred objects. He reiterated the wording of the bill which appropriated \$500,000. "It is to be used to rehabilitate historic buildings, renovate the cemetery, to bring the museum and displays up to museum standards, renovate park infrastructure, and curate history artifacts." **Mr. Bernardis** stated only one area has been addressed and he complimented the Department on the work they had done. It appears not more than 10 to 15% of the money appropriated has been spent. He added there are professional people on the Advisory Council with the expertise that could lend to pursuing specific plans and objectives to be accomplished. He stated statements have been made in meetings by FWP officials that they "can't spend the money until there is a management plan in place" and there has been a management plan in place for a number of years. Another state made in a meeting was "There was no support at FWP for this and it was shoved down our throats." He addressed other statements and direct quotes. **Mr. Bernardis** concluded he felt the FWP has been dragging their feet and it is time to move on and do the project.

{Tape : 2; Side : A; Approx. Time Counter : 280}

Mr. Rich Pittsley, was the resident manager at Chief Plenty Coups Park from 1991 to 1999. He stated he was impressed by the culture of the Crow, historic sites, and the museum. He went to great effort to be a public servant to those cultures, which caused him to fall out of favor with FWP. He felt he had a moral obligation to Plenty Coups who has a unique place in the history

of this country which is not understood. He addressed the sacred medicine spring and its water flow problems, well contamination problems, and plugged septic systems. He stated it cannot be ignored. The log structure served as a "white house" for 50 plus years as Plenty Coups led his country in relations between Indians and whites. **Mr. Pittsley** stated the museum is not a storage shed or a visitors' center. It is a collection of spiritual objects and for the education in understanding between Indians and whites. He added the culture of FWP is finding it hard to deal with an organized board. The new management plan suggests a board is not necessary and **Mr. Pittsley** disagrees wholeheartedly. He commented on the co-management efforts going on at the National Park level and in Canada with the Native Americans. He stated he does not have all the answers but Chief Plenty Coups Park is a place to start co-management.

Mr. Leroy Not Afraid was a spokesman for the Crow Tribe of Indians, and hopes to be part of the legislature one day. His great-great-grandmother was a sister to Chief Plenty Coups. He stated Plenty Coups' dream was to have two worlds join together as one by educating each and to enjoy together the land he left. The Crow feel strongly about preserving the history but are also aware economic development is necessary. At various times, there is 50%-75% unemployment on the reservation, and they want to be a self-sufficient people again and not depend on the government and handouts. One way to do that is to promote the Park and the Little Big Horn Battlefield to bring jobs and economic development through tourism.

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Mr. Not Afraid continued that promoting culture and history at Chief Plenty Coups Park, economic development and jobs, and self-sufficiency in the Indian nation could return wealth and self-esteem to the Crow and help to rid them of social ills. He pleaded with the committee to uphold the law passed in 1999 to invest \$500,000 into the Park. It was donated by Plenty Coups to the State of Montana.

Mr. Vincent Goes Ahead, Jr., Vice-Chair for the Crow Tribe, began by emphasizing what had been stated earlier. Economic development is the Crow Tribe's greatest push now and they are even considering adding new museums to accommodate artifacts that are being offered back to the Crow. He stated if the funds allocated to the Park are not spent for that purpose, the state will be missing out. They see this as a small percentage of what Chief Plenty Coups Park can become. He added that expansion of this project can bring revenue to both the State and the Tribe.

He is a descendant of Plenty Coups, who was raised by Mr. Goes Ahead's great grandparents. He quoted Plenty Coups in his beliefs about education being the vehicle to survive. He expounded on Plenty Coups being a man of peace and a spiritual being. The community center is now a place for their culture to be retaught and experienced. **Mr. Goes Ahead** stated this place needs to continue and he asked for the committee's help.

{Tape : 2; Side : B; Approx. Time Counter : 127}

Another important part of the Park is the fact that the home is the only two-story wooden structure inhabited by a traditional chief of an Indian nation existing on Indian land. That was the criteria that designated it a historic landmark.

Mr. Vincent Goes Ahead, Jr., described the honoring of Plenty Coups in the dedication of the Tomb of the Unknown Soldier. He was designated as the Chief of all Chiefs of the Indian Nations by over 200 Indian nations. When he returned, the Crow government system was established. Plenty Coups' war bonnet and staff are still at the location of the Tomb.

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There were some questions and further discussion by the committee. Both the Little Big Horn Battlefield and Chief Plenty Coups Park are on Crow land with the Battlefield being designated as a National Park. **REP. KAUFMANN** asked about the management plan and if the people were in agreement with the outline. **Mr. Goes Ahead, Jr.** commented the Tribe would like to see it turned into an official museum rather than a visitor's center. The current plan is a fraction of what needs to be done. The management plan does outline the goals and priorities as a general plan; however, it lacks a timeline with "dependent on" phrases that hinder progress.

CHAIRMAN HAINES pointed out the current issue is to deal with the remainder of the \$500,000 appropriated. The question is whether or not the current plan is sufficient or another plan is needed. It was stated another plan was not needed; it is a good management plan that needs some prioritization. The only problems with the plan is that it has not be utilized.

{Tape : 2; Side : B; Approx. Time Counter : 412}

REP. TROPILA asked if FWP would like to respond. **Mr. Hagener** stated he had heard many things for the first time and would like time to consider them. He clarified the letter written was not a

coverup of a misappropriation and that the funds are still available but were reverted to the general license fund account of the Parks program. He stated FWP had not spent the money and it has not been spent in other programs. The delegation from the Crow Tribe stated they did not feel the money had been misspent but that **Mr. Doug Monger, Administrator, Parks Division**, had stated he did not want to spend the money.

SEN. NELSON asked where the money is now and if it is just on paper. **Mr. Hagener** stated it is appropriation authority for money from the general parks license account and it is there. It was appropriated for that purpose and restricted to that purpose for this biennium. If it is not committed or spent by the end of the biennium, it will revert back to the general account. There was further discussion about the funding and the bill being connected. **Mr. Hagener** stated there was a sunset on the law. **Mr. Monger** clarified the appropriation came through in HB 2 and since HB 2 is not a continuing appropriation, the balance will expire June 30, 2001, and the funds associated will revert to the Parks Revenue Account. It will not be earmarked for the same project since HB 2 will have expired.

CHAIRMAN HAINES asked for clarification of what is stated in the bill. **Mr. Monger** replied to paraphrase the bill, it states Pictograph Cave and Plenty Coups are the Parks Division's highest priority. It was added by the delegation they are the most at-risk.

{Tape : 3; Side : A; Approx. Time Counter : 0}

REP. KAUFMANN suggested with a new administration in both the Crow Tribe and FWP they go forward to solve the problem. There was discussion as to what action the committee could take. **Mr. Hagener** suggested the appropriation be made in HB 5 where the other \$150,000 for Plenty Coups has been appropriated.

CHAIRMAN HAINES stated he did not want to lose the money in transferring it to another bill. He would like the issue reconciled. The committee continued with discussion as to how to solve the problem. They re-examined the language in the bill.

CHAIRMAN HAINES stated he views **REP. RANEY** as spokesman for the effort; he and **REP. RANEY** will meet with the Director and he will seek clarification as to what action the committee can take.

The following exhibits are made a part of these minutes.

EXHIBIT(jnh31a07), **EXHIBIT(jnh31a08)**, AND **EXHIBIT(jnh31a09)**

CHAIRMAN HAINES adjourned the meeting.

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ADJOURNMENT

Adjournment: 11:35 A.M.

REP. DICK HAINES, Chairman

SANDRA WHITAKER, Transcription
Secretary

DH/SW

EXHIBIT (jnh31aad)